

CITY COUNCIL
CITY OF WICHITA
KANSAS

City Council Meeting
August 24, 1999, 9:00 A.M.

City Hall
455 North Main

ORDER OF BUSINESS

- Call to Order
- Invocation – Ashok Aurora, Hindu
- Pledge of Allegiance
- Approve the minutes of the previous meeting

PUBLIC AGENDA

Comments by Mr. Warren Carter.

UNFINISHED BUSINESS

1. CU-521 – Request for Conditional Use to Allow Vehicle Sales, Outdoor on Property Generally Located on the West Side of West Street 260 Feet North of Murdock. (District VI)

Continued from June 8, 1999.

- RECOMMENDED ACTION:
1. Concur with MAPC and approve Conditional Use, subject to conditions; OR
 2. Return to MAPC for reconsideration.

NEW BUSINESS

2. Petitions for a Water Distribution System to Serve an Area on Both Sides of Seneca, Between 63rd Street South and 55th Street South. (District IV)

The Petitions have been signed 52.1% of the improvement district area.

- RECOMMENDED ACTION:
- Approve the Petitions; adopt the Resolution; and authorize Staff to select a design engineer.

3. Public Hearing and Approval of Letter of Intent for Industrial Revenue Bonds and Incentive Package – NMF, Inc. (District II)

National Manufacturing Finishing, Inc. is locating a 40,000 square foot manufacturing plant near Jabarra Airport.

RECOMMENDED ACTION: Close the public hearing; approve the Letter of Intent; approve a 100% property tax abatement and other proposed economic incentives; and authorize the necessary signatures.

4. Public Hearing and Issuance of Industrial Revenue Bonds – Eaton Place Project. (District I)

On November 3, 1998, the City Council approved a Letter-of-Intent to issue Industrial Revenue Bonds in an amount not-to-exceed \$15 million. The developer is now ready to proceed with the issuance of bonds.

RECOMMENDED ACTION: Close the public hearing; approve the proposed amendments to the agreement; approve the Bond Ordinance; and authorize the necessary signatures.

5. Public Hearing and Issuance of Hospital Facilities Improvement Revenue Bonds - Riverside Health Systems, Inc. (District VI)

Riverside Health Systems is requesting issuance of Health Facilities Improvement Bonds in an amount not-to-exceed \$3.6 million.

RECOMMENDED ACTION: Close the public hearing; approve the Bond Ordinance; and authorize the necessary signatures.

6. Educational Facilities Revenue Bonds – Newman University. (District IV)

Newman University is requesting Issuance of Educational Facilities Revenue bonds in an amount not-to-exceed \$11.35 million.

RECOMMENDED ACTION: Approve the Bond Ordinance; and authorize the necessary signatures.

7. Appeal of Action by Metropolitan Area Planning Commission of CU-530 Conditional Use Permit to Allow a Wrecking Salvage Yard Operation, Located North of 21st Street North and West of New York Street. (District I)

The City Council requested to review this case at the August 10, 1999, meeting.

RECOMMENDED ACTION: 1. Concur with MAPC and approve Conditional Use, subject to conditions; OR
2. Return to MAPC for reconsideration.

CITY COUNCIL AGENDA

8. Advisory Board /Commission Appointments.

RECOMMENDED ACTION: Make the appointments.

CONSENT AGENDA

9. Reports of the Board of Bids and Contracts Dated August 23, 1999.

RECOMMENDED ACTION: Receive and file the reports; approve the Contracts;
and authorize the necessary signatures.

10. Application for License for Adult Entertainment Establishments/Services.

Renewal - Adult Entertainment.

Valerie Washington	Xcitement Video	3909 West Pawnee Street
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RECOMMENDED ACTION: Approve the license subject to Staff review and approval.

11. Applications for Licenses to Retail Cereal Malt Beverages:

<u>Renewal</u>	<u>1999</u>	<u>(Consumption on Premises)</u>
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Jesse D. Soria	Cholita's Mexican Restaurant Inc.*	8987 West Central
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(Consumption off Premises)

David F. Gillis	Osco Drug Store #2111	2323 North Amidon
David F. Gillis	Osco Drug Store #2114	8700 West Central
David F. Gillis	Osco Drug Store #2132	2501 South Seneca
David F. Gillis	Osco Drug Store #2133	3333 East Central
David F. Gillis	Osco Drug Store #2135	4035 East Harry Street
David F. Gillis	Osco Drug Store #2147	8131 East Kellogg
David F. Gillis	Osco Drug Store #2148	601 North West Street, Suite 100
David F. Gillis	Osco Drug Store #2163	2020 North Woodlawn
John J. Leeker	Farmer's Market, Inc.	2901 North Broadway

Item #11 Continued

New Establishment

(Consumption off Premises)

William Charles Saad

Big Kmart #4174

8600 East Kellogg

*General/Restaurant -- 50% or more of gross receipts derived from sale of food.

RECOMMENDED ACTION: Approve the licenses subject to Staff review and approval.

12. Subdivision Plans and Specifications.

RECOMMENDED ACTION: Approve and advertise for bids to be submitted to the Board of Bids.

13. Preliminary Estimates:

- a. Patterson from Broadway to the east line of Henry Jones Addition to serve Bromilow's South Broadway Addition and unplatted tracts west of Broadway. (472-82851/764381/490541) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 6/10/97. (District III) - \$166,250
- b. Lateral 159, Sanitary Sewer No. 22 to serve unplatted tracts - south of Patterson, west of Broadway. (468-82863/743633/480454) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 8/18/98. (District III) - \$33,900
- c. Water distribution system to serve Rainbow Lakes West Third Addition - north of Maple, east of 135th Street West. (448-89321/734911/470581) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 2/9/99. (District V) - \$48,000
- d. Water distribution system to serve Forest Lakes West Addition- north of 29th, east of Tyler. (448-89203/734927/470597) Does not affect existing traffic. City Council approval date: 9/23/97. (District V) - \$40,000
- e. Lateral 382, Southwest Interceptor Sewer to serve Forest Lakes West Addition - north of 29th, east of Tyler. (468-82769/743799/480487) Does not affect existing traffic. City Council approval date: 9/23/97. (District V) - \$109,200
- f. Lateral 136 (previously 133), Main 4, Sanitary Sewer No. 23 to serve Walnut Grove Addition (north of 35th Street North, west of Seneca (468-82826/743468/480-437) CC approval date 4/7/98. District VI. \$6,900.

RECOMMENDED ACTION: Approve and file.

14. Petition to Construct Sanitary Sewer to Serve a Tract in Willowbend Addition – North of 37th Street North, West of Rock Road. (District II)

RECOMMENDED ACTION: Approve the Petition; and adopt the Resolution.

15. Minutes of Advisory Boards/Commissions:

CPO Northeast Council 1, 8-9-99
CPO East Council 2, 7-12-99
CPO East Council 2, 8-9-99
CPO Southwest Council 4, 8-12-99
CPO Northwest Council 5, 7-14-99
CPO North Central Council 6, 7-14-99
Metropolitan Area Planning Commission (MAPC), 5-27-99
Wichita Employees Retirement System, 6-6-99

RECOMMENDED ACTION: Receive and file.

16. Consideration of Street Closures/Uses.

RECOMMENDED ACTION: Approve the street closures/uses.

17. Report on Claims Allowed – July, 1999:

<u>Name of Claimant</u>	<u>Amount</u>
Southwestern Bell	\$275.35*
Clysta Alapai	\$113.90
Thad W. Keehn	\$29.99
Paul Ray	\$269.80
Joseph C. Wold	\$310.56
Connie Welch	\$127.41
Southwestern Bell	\$207.39
Kansas Gas Service	\$601.87
B. E. Dientsbach	\$47.66**

*This claim was denied in March, 1999; re-reviewed and allowed 7/20/99.

**No money paid out by the city; his water bill to be credited.

RECOMMENDED ACTION: Receive and file.

18. Agreements/Contracts:

- a. Hilltop Community Center occupancy. (District III)
- b. Design services - Rita from West Street to Kessler, and Kessler from Rita to Jewell. (District IV)
- c. Easement encroachment - 2609 North Wilderness Court. (District II)
- d. Easement encroachment – The Quarters at Cambridge, L.P. (District II)
- e. Rehabilitation of Storm Water Pump Station 1. (District V)

Item #18 Continued

- f. North Industrial Corridor participation Agreement - additional party.
- g. Easement - Northeast Water Transmission Line – phase 2.
- h. South Central Kansas Economic Development District (SCKEDD).
- i. Amendment – architect services for Auburn Hills Golf Course Clubhouse/Community Center – south of Maple, west of 135th Street West. (District V)

RECOMMENDED ACTION: Approve the Agreements/Contracts; and authorize the necessary signatures.

19. Termination of Lease Agreement – Kansas Health Foundation. (District I)

RECOMMENDED ACTION: Approve the termination.

20. Grant with Kansas Corporation Commission.

RECOMMENDED ACTION: Authorize the necessary signatures.

21. Change Order – 1999 Contract Street Maintenance Program. (District IV)

RECOMMENDED ACTION: Approve the change order.

22. Northeast Soccer/Baseball Complex – 29th Street North, West of Greenwich. (District II)

RECOMMENDED ACTION: Approve the project; adopt the Resolution; and authorize the Staff screening and selection committee to select a design architect/engineer.

23. Title Insurance, Abstract and Other Related Services – Selection of Vendor.

RECOMMENDED ACTION: Approve the selection; and authorize the necessary signatures.

24. Communications Equipment - Police Department.

RECOMMENDED ACTION: Approve the purchase.

25. Upgraded Computer Equipment – Library.

RECOMMENDED ACTION: Approve the purchase.

26. Fiscal Year 2000 Metropolitan Community Capacity Building Grant Program.

RECOMMENDED ACTION: Approve the grant application and receipt of funds;
and authorize the necessary signatures.

27. Repair or Removal of Dangerous and Unsafe Structures:

	<u>Address</u>	<u>District</u>	<u>Address</u>	<u>District</u>
	4301 East Whitney	III		
	543 North Edwards	VI		
27a.	1563 N. Belmont	I	1029 W. 51st N.	VI
	4302-04 E. Boston	III	2725 S. Vassar	III
	3321 E. Roseberry	III	3357 E. Roseberry	III
	3808 E. Roseberry	III		

RECOMMENDED ACTION: Adopt the Resolutions setting the Public Hearing
on October 12, 1999, at 11:00 a.m.

28. H.O.P.E. Inc. – Resolution of Support for Tax Credits. (Districts I and VI)

RECOMMENDED ACTION: Adopt the Resolution.

28a. Application for the Local Government Outdoor Recreation Grant.

RECOMMENDED ACTION: Approve the application; and authorize the necessary
signatures and receipt of funds.

29. Second Reading Ordinances: (First read August 17, 1999)

a. Issuance of industrial revenue bonds – Ritchie Companies. (District V)

An Ordinance authorizing the City of Wichita, Kansas, to issue its taxable industrial revenue bonds in the aggregate principal amount of \$3.6 million for the purpose of providing funds to acquire, construct, and equip a corporate headquarters facility as an addition to an existing facility located in the City of Wichita, Kansas; prescribing the form and authorizing execution of a trust indenture by and between the City and UMB Bank, N.A., Kansas City, Missouri, as trustee with respect to the bonds; prescribing the form and authorizing execution of a lease agreement by and between MTG, L.L.C. and the City; approving the sublease of the project to Ritchie Companies, Inc.; approving the form of a guaranty agreement; and authorizing the execution of a bond placement agreement by and among the City, MTG, L.L.C. and General Electric Capital Business Asset Funding Corporation, as purchaser of the Bonds.

b. Amendment of Section 5.68.140 – lewd and lascivious behavior.

An Ordinance amending Section 5.68.140 of the Code of the City of Wichita, Kansas, pertaining to lewd and lascivious behavior and repealing the originals of said section.

c. Airport Authority governance structure.

An Ordinance of the City of Wichita pertaining to membership and governance of the Wichita Airport Authority; creating Sections 2.12.1053, 2.12.1054, 2.12.1055, and 2.12.1056 of the Code of the City of Wichita; amending Sections 2.12.1042, 2.12.1049, 2.12.1051 of the Code of the City of Wichita; and repealing the original of said Sections and also repealing Sections 2.12.1043, 2.12.1044, 2.12.1045, 2.12.1046, and 2.12.1047 of the Code of the City of Wichita.

Item #29 Continued

- d. Amending Ordinances Douglas Avenue Bridge over the Arkansas River and Hillside improvement – from 27th Street North to 37th Street North. (Districts I, IV, and VI)

An Ordinance amending Ordinance No. 43-352 of the City of Wichita, Kansas, declaring Hillside, from 27th Street North to 37th Street North (472-82781) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same.

An Ordinance amending Ordinance No. 43-672 of the City of Wichita, Kansas, declaring Douglas Avenue Bridge over the Arkansas River (472-82721) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same.

- e. Z-3273 – northwest corner of Meridian and 61st Street North. (District VI)

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas. Z-3273

- f. A 99-5 -north and south of 37th Street North, between Broadway and Hillside Avenue. (Districts I & VI).

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto. A 99-5

- g. A 99-28 - northwest corner of Meridian Avenue and 61st Street North. (District VI)

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto. A 99-28

- h. A 99-29 - north side of U.S. Highway 54 between 127th Street East and 143rd Street East. (District II)

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto. A 99-29

RECOMMENDED ACTION: Adopt the Ordinances.

30. Charter Ordinances. (First read August 17, 1999)

- a. Airport Authority governance structure.

A Charter Ordinance of the City of Wichita pertaining to the membership and governance of the Wichita Airport Authority; exempting the City of Wichita from provisions of K.S.A. 3-163, 3-164, and 3-165; and repealing Charter Ordinance Nos. 137 and 169.

Item #30 Continued

- b. Vehicle expenses.

A Charter Ordinance of the City of Wichita, Kansas; amending Sections 1, 2, and 3, of Charter Ordinance No. 148; and repealing the original sections thereof.

RECOMMENDED ACTION: Adopt the Ordinances.

PLANNING AGENDA

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

*Consent Item

- *31. V-2186 - Vacate a Portion of a Utility Easement Located at 143rd Street East and Central Avenue, 14821 Sharon Lane.

MAPC Recommendation: Approve Vacation of a portion of a utility easement.

Staff Recommendation: Approve Vacation of a portion of a utility easement.

RECOMMENDED ACTION: Approve the Vacation request.

- *32. V-2188 - Public Hearing Request to Vacate Five 20-foot Drainage Easements Located East of Meridian and North of 45th Street North. (District VI)

MAPC Recommendation: Approve.

Staff Recommendation: Approve.

RECOMMENDED ACTION: Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order; and authorize the necessary signatures.

- *33. S/D 98-87 - Plat of Phillips 66 Kellogg and Tyler Addition Located on the Northeast Corner of Kellogg and Tyler. (District V)

MAPC Recommendation: Approve the Plat.

Staff Recommendation: Approve the Plat.

RECOMMENDED ACTION: Approve the document and Plat; adopt the Resolution; and authorize the necessary signatures.

- *34. S/D 99-14 - Plat of Auburn Hills Clubhouse Addition Located on the West Side of 135th Street West, South of Maple. (District V)

MAPC Recommendation: Approve the Plat.

Staff Recommendation: Approve the Plat.

RECOMMENDED ACTION: Approve the Plat; and authorize the Mayor to sign both as to approval of the Plat and as to the City's ownership interest.

- *35. S/D 99-34 - Plat of Willowbend North Estates Addition Located West of Rock Road, South of 45th Street North. (District II)

MAPC Recommendation: Approve the Plat.

Staff Recommendation: Approve the Plat.

RECOMMENDED ACITON: Approve the documents and Plat; adopt the Resolutions; and authorize the necessary signatures.

36. DP-50 #2 - Amendment to Parcels 4 and 6 of the Carriage House Plaza C.U.P. to Allow Outdoor Vehicle Sales. (District V)

MAPC Recommendation: Approve, subject to conditions.

CPO Recommendation: Deny.

Staff Recommendation: Approve.

RECOMMENDED ACITON:

1. Concur with the findings of the MAPC and approve the Conditional Use to allow vehicle sales, outdoor, subject to the recommended conditions; OR
2. Return the application to the MAPC for reconsideration.

37. PUD #10 - Planned Unit Development for Assisted-Living Facility Generally Located West of the Southwest Corner of 13th Street North and Maize. (District V)

MAPC Recommendation: Approve, subject to conditions.

CPO Recommendation: Approve, subject to conditions enumerated in Staff report.

Staff Recommendation: Approve, subject to conditions.

RECOMMENDED ACTION: 1. Concur with the findings of the MAPC and approve the zone change to "PUD," and subject to the condition of Platting within one year; instruct the Planning Department to forward the Ordinance for first reading when the Plat is forwarded to the City Council: OR

2. Return the application to the MAPC for reconsideration.

*38a. Z-3325 - Zone Change from "SF-6" Single-Family and "LC" Limited Commercial to "GO" General Office and "LC" Limited Commercial; and

*38b. DP-243 - Request for the Creation of the Smithmoor Commercial C.U.P., Located South of Harry and West of Greenwich. (District II)

MAPC Recommendation: Approve, subject to conditions.

CPO Recommendation: Approve.

Staff Recommendation: Approve, subject to conditions.

RECOMMENDED ACTION: 1. Concur with the findings of the MAPC and approve the zone change and C.U.P., subject to the recommended conditions; instruct the Planning Department to forward the Ordinance for first reading when the Plat is forwarded to the City Council; OR

2. Return the application to the MAPC for reconsideration.

*39a. DP-244 - Approval of Ashley Towne Centre Commercial Community Unit Plan; and

*39b. Z-3326 - Zone Change from "SF-6" Single-Family Residential, "B" Multi-Family, and "GO" General Office to "LC" Limited Commercial, Located Approximately 1,200 Feet West of Ridge Road on the South Side of Maple. (District V)

MAPC Recommendation: Approve, subject to conditions and subject to Platting within one year.

Item #39b Continued

CPO Recommendation: Approve, subject to MAPD Staff recommendations.

Staff Recommendation: Approve, subject to conditions and subject to Platting within one year.

- RECOMMENDED ACTION:
1. Concur with the findings of the MAPC and approve the Ashley Towne Centre Commercial C.U.P. and the zone change, subject to conditions, and subject to the condition of Platting within one year; instruct the Planning Department to forward the Ordinance for first reading when the Plat is forwarded to the City Council; OR
 2. Return the application to the MAPC for reconsideration.

*40a. Z-3327 - Zone Change Request from "SF-6" Single-Family Residential to "TF-3" Two-Family Residential; and

*40b. CU-529 - Request for a Conditional Use to Allow a Multi-Family Development (Triplex), Located North of 10th Street on the East Side of Richmond. (District VI)

MAPC Recommendation: Approve, subject to conditions.

CPO Recommendation: Approve, subject to MAPD comments.

Staff Recommendations: Approve, subject to conditions.

- RECOMMENDED ACTION:
1. Concur with the findings of the MAPC and approve the zone change and Conditional Use, subject to the recommended conditions; OR
 2. Return the application to the MAPC for reconsideration.

*41. Z-3328 - Zone Change from "B" Multi-Family Residential and "SF-6" Single-Family Residential to "LC" Limited Commercial, Located Approximately 500 Feet North of Douglas, West of West Street, 131 North West Street. (District IV)

MAPC Recommendation: Approve, subject to Platting within 1 year.

CPO Recommendation: Approve.

Staff Recommendation: Approve, subject to Platting within 1 year and conditions.

- RECOMMENDED ACTION:
1. Concur with the findings of the MAPC and improve the zone change, subject to the recommended conditions; OR
 2. Return the application to the MAPC for reconsideration.

42. 99-26 - Appeal of Denial to Paint Previously Unpainted YMCA Building at 402 North Market Street.
(District VI)

HPB Recommendation: Denial of Certificate of Appropriateness Application 99-26,
Item 3 - Painting brick building.

Staff Recommendation: Deny Certificate of Appropriateness Application 99-26, Item 3.

RECOMMENDED ACTION: 1. Concur with the decision of the Historic Preservation
Board and deny the appeal of Item 3 on the Certificate
of Appropriateness Application 99-26; OR
2. Find that “no feasible and prudent alternative” exists to
the proposed alteration, and approve Item 3 on the
Certificate of Appropriateness Application.

Adjournment

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